



WEB COPY



Crl.M.P.No.3630 of 2023 in Crl.RC.No.435 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.3630 of 2023

in

Crl.RC.No.435 of 2023

N.Muthukumar

... Petitioner

/vs/

1. The State of Tamilnadu,
The Public Prosecutor,
Coimbatore - 641 018.

2. The Inspector of Police,
Sulur Police Station,
Coimbatore - 641 402.
in Cr.No.658 of 2014

... Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389 of Cr.P.C., to suspend the sentence imposed on the petitioner in S.T.C.No.166 of 2017 dated 11.02.2020 passed by the learned Judicial Magistrate, Sulur, as confirmed by the judgment of the V Additional District and Sessions Judge, Coimbatore in C.A.No.122 of 2020, dated 28.07.2022

For Petitioner

... Mr.B.Nedunchezian

For Respondents

... Mr.R.Vinothraja, GA (crl.side)



ORDER

WEB COPY This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in S.T.C.No.166 of 2017, dated 11.02.2020 passed by the learned Judicial Magistrate, Sulur, as confirmed by the judgment of the V Additional District and Sessions Judge, Coimbatore in C.A.No.122 of 2020, dated 28.07.2022.

2. The trial court, by its judgment dated 11.02.2020, convicted and sentenced the petitioner/accused as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.279 of IPC	To pay a fine of Rs.500/-, in default to undergo SI for one week
	U/s.338 IPC	To undergo 3 months SI and pay a fine of Rs.1000/-, in default to undergo SI for one week

Total fine amount Rs.1500/-.

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner in S.T.C.No.166 of 2017, the petitioner preferred C.A.No.122 of 2020 before the V Additional District and Sessions Judge, Coimbatore,



who, by his judgment dated 28.07.2022, confirmed the conviction and sentence imposed by the trial court. Challenging the above conviction and sentence, the petitioner has filed the present criminal revision case, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The learned counsel for the petitioner submitted that the judgment of the trial court and the lower appellate court is contrary to law, weight of evidence and probabilities of the case. He would further submit that there are arguable points in this Revision and the petitioner has every chance to succeed in this Criminal Revision Case. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision Petition.

5. Heard the learned counsel appearing for the petitioner and the learned Govt. Advocate (crl.side) appearing for the respondent and perused the materials available on record.

6. The petitioner has raised substantial grounds in the Revision which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that



the petitioner is entitled to the relief of suspension of sentence and bail.

WEB COPY

7. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall surrender before the V Additional District and Sessions Judge, Coimbatore within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the Trial Court.
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;
- (iii) The petitioner shall appear before the trial Court as and when required.

13.03.2023

vrc

Note : Issue Order copy on 05.04.2023



Crl.M.P.No.3630 of 2023 in Crl.RC.No.435 of 2023

To

- 1.The Judicial Magistrate, Sulur.
2. The V Additional District and Sessions Judge, Coimbatore
3. The Public Prosecutor, Coimbatore.
4. The Inspector of Police,
Sulur Police Station, Coimbatore - 641 402.
5. The Public Prosecutor, High Court, Madras.

WEB COPY



WEB COPY



Crl.M.P.No.3630 of 2023 in Crl.RC.No.435 of 2023

V.SIVAGNANAM, J.

vrc

Crl.M.P.No.3630 of 2023
in
Crl.RC.No.435 of 2023

13.03.2023